

# WETLANDS COUNCIL

## MINUTES

January 10, 2006

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The Wetlands Council met on Tuesday, January 10, 2006 at the Department of Environmental Services, 29 Hazen Dr., Concord, NH

**Attendees:** Brian K. Fowler, Chairman, Lawrence E. Morse, Sharon Champagne, Thomas G. Chrisenton, John S. Cobb, William M. Dannehy, Ben Frost, William Ingham, Jr., Camilla Lockwood, Paul W. Goodwin, Seth S. Prescott, Russ St. Pierre and Thomas Sloan

**Absentees:** None

The meeting was called to order by Chairman Brian K. Fowler at 9:05 a.m.

1. **Introductions**

Chairman Fowler announced that Tom Chrisenton has been reappointed to the Wetlands Council to represent Environment Protection and Resource Management.

Paul W. Goodwin was introduced to the council members. Mr. Goodwin has been appointed to the Wetlands Council for a 3-year term to represent the Marine Industry.

Ben Frost commented that this will be his last Wetlands Council meeting since he has recently accepted a position with the New Hampshire Housing Finance Authority.

***The following resolution was introduced by Councilor Lockwood, seconded by Councilor Ingham and unanimously passed:***

***BE IT RESOLVED: That the Wetlands Council expresses its thanks to Ben Frost for his expertise and dedication to the council and wishes Mr. Frost well in his new position with the New Hampshire Housing Finance Authority.***

2. **Approval of Minutes of December 13, 2005 Meeting**

***A motion was made by Councilor Morse and seconded by Councilor Ingham to accept the minutes of December 13, 2005 as presented. It was unanimously voted.***

3. **Status of Appeals**

Michael Sciafani, Appeals Clerk, distributed an Appeals Status Report and reviewed the report with council members.

- Docket No. 02-16 WtC - Donald S. Thompson: WB #2002-01019  
A stay remains in effect.
- Docket No. 04-21 WtC - Lakeshore Realty Trust: WB #2001-01294  
On December 14, 2005, the appellant filed an Assented-to Motion to Continue. A Decision & Order was issued on December 20, 2005 granting the Assented-To Motion to Continue.
- Docket No. 05-04 WtC - Philip and Georgette Smith: WB #2000-00914  
On December 13, 2005 the council voted to grant the appellants' Motion for Reconsideration. A written Decision & Order was issued on December 15, 2005. A prehearing conference is scheduled for February 6, 2006. On January 3, 2006 the appellants filed a Motion for Discovery.
- Docket No. 05-08 WtC - Renate Ranniger: WB #2004-01185  
This appeal will be heard today at 10:00 a.m.
- Docket No. 05-12 WtC - Town of Barrington: WB #2004-02817  
This appeal is scheduled to be heard on February 14, 2006 at 10:00 a.m.
- Docket No. 05-13 WtC - Frederick Gallant: WB #2004-02467  
On December 13, 2005, DES' Motion to Exclude All Evidence of Appellant's Alleged Heart Condition was granted; the appeal hearing was held and the council voted to deny this appeal. A written Decision & Order has not been issued.
- Docket No. 05-14 WtC - Ralph and Virginia Sanborn: WB #2004-01764  
A second prehearing conference is scheduled for February 6, 2006. An appeal hearing is scheduled for March 14, 2006.
- Docket No. 05-18 WtC - Save Our Groundwater: WB #2004-02817  
On December 13, 2005, the council voted to dismiss this appeal on grounds that the appellant failed to establish standing. On December 21, 2005, a written Decision & Order to dismiss the appeal was issued. On January 9, 2006, the appellant filed a Motion to Reconsider.
- Docket No. 05-19 WtC - Richard Landry: WB #2005-00554  
On December 13, 2005, the council voted to accept this appeal. A prehearing conference is scheduled for February 6, 2006. On December 19, 2005, the Wetlands Bureau filed the Certified Record with the council.
- Docket No. 05-23 WtC - Joseph Develis, Jr.: WB #2004-02959  
On December 28, 2005, a Petition for Appeal of DES' November 29, 2005 denial of a Request for Reconsideration of appellant's application for construction of a dug-in boathouse, perched beach and seasonal pier on Barndoor Island, Lake Winnepesaukee was timely filed. On January 9, 2006, an amended Petition for Appeal was filed.

***A motion was made by Councilor Morse to accept this appeal. Councilor Ingham seconded the motion and it was unanimously voted.***

- Docket No. 05-24 WtC - Marconi: WB #2004-02046  
On December 30, 2005, this appeal of the November 28, 2005 denial of appellants' Motion for Reconsideration for a permit to construction docking structures on Piscataqua River was untimely filed.

***A motion was made by Councilor Chrisenton to dismiss this appeal. Councilor Frost seconded the motion and it was unanimously voted.***

- Docket No. NAH 05-01 - Steven J. Smith & Associates  
Chairman Fowler reported that the Laconia Municipal Airport has applied for some safety improvements and discussions are underway with the bureau. A prehearing conference was held on June 14, 2005.

#### **4. Wetlands Bureau Update**

Collis Adams, Wetlands Bureau Administrator, advised the council that the Wetlands Bureau received over 3,000 applications in 2005, which is consistent with previous years. In response to councilors' requests, Mr. Adams will have available at the next council meeting a breakdown of the categories of applications.

Lori Summer started last week with the Wetlands Bureau as the full-time mitigation coordinator.

#### **Legislation Update:**

SB 140 - This legislation was introduced last session with regard to the in-lieu fee process. The bill has now been put on the consent calendar for the House.

SB 371 - This legislation will allow the wetlands fee structure to remain at current levels. The first public hearing is scheduled for today at 2:00 p.m.

HB 1259 - This legislation directs the department to establish a protocol for classifying wetlands as either contributing or non-contributing. Non-contributing wetlands will be exempt from regulation. The department will be testifying in opposition to this legislation. The first public hearing will be next Tuesday.

#### **Appeals:**

The Attorney General's Office will not be representing the bureau in most appeals going forward before the council unless unusual legal issues are involved.

#### **5. Old Business**

Wetlands Council Rules:

Mr. Fowler explained that the Office of Legislative Services is working on the council rules and will provide an official copy when its process is complete. In the meantime, a copy of the adopted rules along with a copy of the temporary table of contents has been provided to the councilors.

6. **Other Business**

Chairman Fowler appointed Councilor Morse as chairman of the rules and procedures subcommittee of the Wetlands Council. Councilor Morse accepted the appointment and requested that any councilor interested in serving on the committee contact him.

7. **Next Meeting**

The next meeting will be February 14, 2006.

8. **Adjournment**

***A motion was made by Councilor Morse, seconded by Councilor Lockwood and unanimously voted to adjourn.***

The meeting adjourned at approximately 10:00 a.m.